

AMENDED IN ASSEMBLY MAY 6, 2009

AMENDED IN ASSEMBLY APRIL 13, 2009

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 1230

Introduced by Assembly Member Torrico

February 27, 2009

An act to add Section 66302 to the Education Code, relating to online harassment.

LEGISLATIVE COUNSEL'S DIGEST

AB 1230, as amended, Torrico. Public postsecondary education: policies prohibiting online harassment.

Existing

(1) *Existing* law establishes the 3 segments of public postsecondary education in this state. These 3 segments are the University of California, under the administration of the Regents of the University of California, the California State University, under the administration of the Trustees of the California State University, and the California Community Colleges, under the administration of the Board of Governors of the California Community Colleges.

Existing law requires the Regents of the University of California, the Trustees of the California State University, and the governing board of each community college district to adopt or provide for the adoption of specific rules and regulations governing student behavior.

This bill would require the ~~Board of Governors of the California Community Colleges~~ *board of governors of each community college district* and the Trustees of the California State University, and request the Regents of the University of California to include in their rules and

regulations governing student behavior, rules and regulations prohibiting online harassment, as defined. *By imposing requirements on the governing boards of community college districts, the bill would impose a state-mandated local program.* The bill would also require each institution to report to the Legislature annually regarding the rules and regulations adopted regarding online harassment.

(2) *The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 66302 is added to the Education Code,
2 to read:
3 66302. (a) The Trustees of the California State University and
4 ~~the Board of Governors of the California Community Colleges the~~
5 *governing board of each community college district* shall, and the
6 Regents of the University of California may, include in the rules
7 and regulations adopted pursuant to Section 66300, rules and
8 regulations and applicable penalties that specifically prohibit online
9 harassment. For purposes of this section, ~~online harassment means~~
10 ~~any unlawful, threatening, or defamatory act of harassment carried~~
11 ~~out through campus electronic communication devices or networks.~~
12 *“online harassment” means a knowing and willful course of*
13 *conduct carried out through campus electronic communication*
14 *devices or networks, directed at a campus student, member of the*
15 *faculty, an administrator, or nonacademic staff by a campus*
16 *student, member of the faculty, an administrator, or nonacademic*
17 *staff, that a reasonable person would consider as seriously*
18 *alarming, seriously annoying, seriously tormenting, or seriously*
19 *terrorizing the person and that serves no legitimate purpose.*
20 (b) Each of the respective institutions shall report to the
21 Legislature, on or before January 1, 2011, and annually thereafter,

1 the rules and regulations adopted pursuant to this section as well
2 as any actions taken to enforce policies prohibiting online
3 harassment.

4 *SEC. 2. If the Commission on State Mandates determines that*
5 *this act contains costs mandated by the state, reimbursement to*
6 *local agencies and school districts for those costs shall be made*
7 *pursuant to Part 7 (commencing with Section 17500) of Division*
8 *4 of Title 2 of the Government Code.*

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